

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v George Elmer O'Neill**
Docket No. **260676**
L.C. No. **00-127175-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed February 4, 2005, is DISMISSED for lack of jurisdiction because appellant failed to file the application within 12 months of the August 2, 2002 judgment of sentence as required by MCR 7.205(F)(3). Furthermore, neither one of the two exceptions found in MCR 7.205(F)(4) was satisfied in this case. In particular, even though the defendant filed a motion for resentencing within 12 months as is permitted by MCR 7.205(F)(4), he failed to file this application for leave to appeal within 21 days of the February 6, 2004 order denying the motion as is required by MCR 7.205(F)(4).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 1 2005

Date

Sandra Schultz Mengel
Chief Clerk